

REMARKS

Claims 1-17, 19-42, 44-48, and 51-55 were pending in the application at the time of the February 26, 2003 Office Action. Claims 1-10 have been cancelled, and claims 56-72 have been added leaving claims 1-17, 19-42, 44-48, and 51-72 in the case.

In the February 26, 2003 Office Action, claims 1-10 were rejected for various reasons under 35 U.S.C. § 112, 35 U.S.C. § 102, and 35 U.S.C. § 103. Claims 11-17, 19-42, 44-48, and 51-55 were allowed. Also, 7-10 were indicated to be allowable if rewritten to overcome rejections under 35 U.S.C. § 112, second paragraph.

Since claims 1-10 have been cancelled, the rejections of these claims are rendered moot.

Among the remaining allowed claims, claims 14, 22, 40, 46, 48, and 51 have been amended to correct obvious typographical errors. These amendments are not believed to affect the allowability of the noted claims.

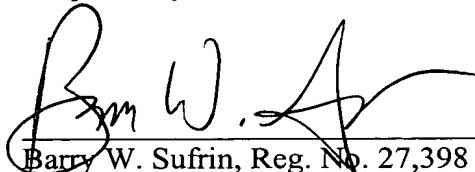
Additionally, new claims 56-72 are added at this time. The two independent claims of these new claims, claim 56 and 65, call for the central axis of each tire in an outer face of the retaining wall to be inclined to both vertical and horizontal. This language does not mean that the central axis of the tire is on the outer face of the treads of the tires. Rather, this language indicates that it is the tires in the outer face of the retaining wall that are being addressed and that the central axis of each such tire is inclined to both vertical and horizontal.

It is believed that the newly introduced claims 56-72 are patentable over all of the prior art of record. It is noted, in particular, that new independent claims 56 and 65 combine the features of original claim 1 and, respectively, the two options recited in prior pending original claim 7, which was indicated to be allowable if rewritten in independent form.

In re Appln. of CALLINAN et al.  
Application No. 09/428,508

This application is now considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barry W. Sufrin", is written over a horizontal line.

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Date: May 27, 2003